

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Cossack Yc (EX REL: Davon Leo
Townsell),

Plaintiff,

v.

The State of Nevada,

Defendant.

Case No.: 2:22-cv-00104-CDS-DJA

**Order Adopting Report and
Recommendation**

[ECF No. 8]

Before the Court is the Report and Recommendation (R&R) of United States Magistrate Judge Daniel J. Albregts entered on April 11, 2022. (ECF No. 8). The magistrate judge has recommended that Plaintiff's application to proceed *in forma pauperis* (ECF No. 6) be denied without prejudice as incomplete because the Plaintiff did not sign his application or complaint as required under Federal Rule of Civil Procedure 11. (ECF No. 6 at 2, 6-1 at 3).

The Plaintiff was given the option to file a completed application to proceed *in forma pauperis*, along with one signed complaint on or before May 11, 2022; or, in the alternative, to pay the filing fee of \$350 and administrative fee of \$52, for a total of \$402, accompanied by a copy of the order and one signed complaint. The Court warned Plaintiff that the action would be dismissed if he failed to comply by that deadline. (ECF No. 8 at 2). The R&R also recommended that the motion for summary judgment (ECF No. 7) be denied without prejudice as premature.

The Court has conducted its de novo review in this case and finds that the deadline has expired, and Plaintiff has not filed a signed application and complaint, paid the filing and administrative fees, moved for an extension, or otherwise respond. Further, Plaintiff did not file

1 an objection(s), nor did the plaintiff ask the Court to extend the deadline to do so.¹ “[N]o
 2 review is required of a magistrate judge’s report and recommendation unless objections are
 3 filed.”² I nevertheless conducted a de novo review of the issues set forth in the report and
 4 recommendation. 28 U.S.C. § 636(b)(1). The Magistrate Judge sets forth the proper legal analysis
 5 and factual basis in the R&R. Accordingly, the Magistrate Judge’s R&R is adopted in its
 6 entirety.

7 IT IS THEREFORE ORDERED that United States Magistrate Judge Albregts’ Report
 8 and Recommendation (ECF No. 8) is ADOPTED and ACCEPTED in its entirety.

9 IT IS FURTHER ORDERED that for Plaintiff’s application to proceed *in forma pauperis*
 10 (ECF No. 6) is DENIED WITHOUT PREJUDICE.

11 IT IS FURTHER ORDERED that the Plaintiff’s motion for summary judgment is
 12 DENIED WITHOUT PREJUDICE and this case is DISMISSED WITHOUT PREJUDICE.

13 The Clerk of Court is directed to close the case.

14 IT IS SO ORDERED.

15 DATED this 16th day of May, 2022.

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 U.S. District Judge Cristina D. Silva

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 20 ¹ This is likely because the Plaintiff, a pro se party, has not filed with the court written notification of any
 21 change of mailing address, email address, or telephone number pursuant to Local Rule IA 3-1. As a result,
 22 a copy of the R&R was returned undeliverable. ECF Nos. 10, 11. The local rules provide that failure to
 update changes to mailing addresses, email addresses, or telephone numbers may result in the dismissal
 of the action. See LR IA 3-1.

23 ² *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150
 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).